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**FILED**

**JUL 23 2014**

**New Jersey State Board of  
Massage and Bodywork  
Therapy Examiners**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MASSAGE AND BODYWORK  
THERAPY

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IN THE MATTER OF THE	:	Administrative Action
LICENSURE OF	:	
	:	CONSENT ORDER
	:	GRANTING LICENSURE
ARIAN NUNEZ	:	WITH PROBATION
	:	
AS A MASSAGE AND BODYWORK	:	
THERAPIST	:	

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This matter was opened to the Board of Massage and Bodywork Therapy ("the Board") upon receipt of the application of Arian Nunez for licensure as a massage and bodywork therapist. Upon a review of the application and the criminal history background check, it was ascertained by the Board that although the applicant had indicated "no" in response to the application questions as to arrests or convictions, he had been arrested five times since 2009. In 2009 Mr. Nunez was arrested on drug-related charges, which were conditionally discharged. In 2010 he was arrested for simple assault; charges were dismissed. In 2012 Mr. Nunez was convicted of obtaining/selling a controlled

dangerous substance in public, and assessed \$125. On March 1, 2013 Mr. Nunez was arrested on drug-related charges; he was convicted of loitering to obtain/sell a controlled dangerous substance in public, and assessed \$661. Finally, Mr. Nunez was arrested on August 5, 2013 on drug-related charges; he was convicted of prowling in public places and seeking a controlled dangerous substance, and fined. Mr. Nunez maintained that he had not disclosed his arrest/conviction history because he was ashamed of what he had done, since he was filling out the application in the presence of others.

The Board finds that the applicant knew or should have known that he was supplying the Board with inaccurate information concerning his arrest history/conviction, and thus he engaged in misrepresentation on his application in violation of N.J.S.A. 45:1-21(b).

Although the Board finds that granting the applicant's request for licensure is appropriate in light of the applicant's expressed remorse for his conduct, nevertheless the Board further finds that a probationary period with protections in place should be imposed. Accordingly,

IT IS ON THIS 23<sup>rd</sup> DAY OF July, 2014

HEREBY ORDERED AND AGREED THAT:

1. The applicant's application for licensure shall be granted upon payment of the penalty specified below, and upon his

demonstration that he has satisfied other licensure requirements, if he has not already done so. Mr. Nunez's license is to be placed on probation for a period of two years, dating from the date of his initial licensure. The terms of probation are set forth below.

2. Mr. Nunez shall report to the Board within five (5) business days any arrest, indictment or conviction for any crime or disorderly persons offense. In the event of any drug-related arrest, respondent's license to practice massage and bodywork therapy may be automatically and immediately suspended without a hearing at the discretion of the Board. Respondent may petition for reinstatement after the matter has been adjudicated, at which time Mr. Nunez may offer evidence and argument as to the merits of his petition for reinstatement, and the Board shall determine whether reinstatement or any sanctions are warranted, taking into consideration the outcome of the criminal case. With respect to the automatic suspension based solely upon an arrest, Mr. Nunez may, upon notice, following the filing of an order of suspension, seek a hearing. The sole issue to be determined in such a hearing shall be whether or not the arrest at issue is drug-related.

3. Mr. Nunez shall obey all the laws of the State of New Jersey, the United States and their political subdivisions as well as all regulations, rules or laws pertaining to the

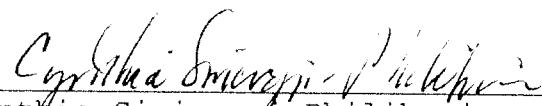
practice of massage and bodywork therapy in the State or jurisdiction in which she practices massage and bodywork therapy.

4. At the end of the term of probation, Ms. Reeder may petition the Board in writing for release from the terms of this Order. In the event that there have been no arrests or convictions during the period of probation, the Board may then grant such a petition by means of a written communication, without need for further Order of the Board.

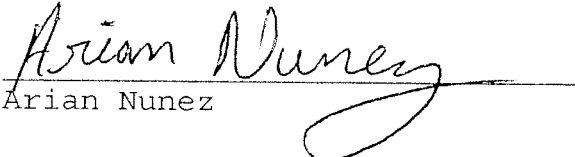
5. A civil penalty in the amount of \$200.00 is hereby imposed for the applicant's violation of N.J.S.A. 45:1-21(b). Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and shall be forwarded simultaneously with this signed Order

NEW JERSEY STATE BOARD OF  
MASSAGE AND BODYWORK THERAPY

By:

  
Cynthia Sinicrope-Philibosian  
Chairperson

I have read and understand the  
Within Consent Order and  
agree to be bound by its terms.

  
Arian Nunez